

Analysis by the Bureau of Chemistry of this Department of a sample of the article showed that it contained 77.6 per cent of milk fat. Examination by said bureau of 8 prints showed an average net weight of 15.75 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," borne on the packages containing the said article, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter and that each of said packages contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter and that each of said packages contained 1 pound net thereof, whereas it did not consist wholly of creamery butter but did consist of a product deficient in milk fat and each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the packages, was false and misleading, in that it represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13998. Adulteration and misbranding of butter. U. S. v. Union Creamery Co. Plea of guilty. Fine, \$200. (F. & D. No. 19659. I. S. No. 21132-v.)**

On June 22, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Creamery Co., a corporation, La Grande, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about January 21, 1925, from the State of Oregon into the State of Washington, of a quantity of butter which was adulterated and misbranded.

Examination by the Bureau of Chemistry of this Department of samples of the article showed that it contained 77.98 per cent and 78.95 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter, in that it contained less than 80 per cent by weight of milk fat, the minimum milk fat content of butter as prescribed by the act of March 4, 1923.

On November 21, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13999. Adulteration of canned tomatoes. U. S. v. 1,248 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20534. I. S. No. 5343-x. S. No. E-5524.)**

On October 28, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,248 cases of canned tomatoes, remaining in